



WAPC ref:	200820
Date:	19 December 2024
Enquiries:	Navarre Brick 6551 9456

Mel Cox,
Taylor Burrell Barnett
PO Box 7130 Cloisters Square
Perth 6850

Transmitted via email only to: admin@tbbplanning.com.au

Dear Mel

APPROVAL OF APPLICATION WAPC REF: 200820

Thank you for your application to subdivide Lots 1001 & 2001 Pederick Road, Neerabup.

The Western Australian Planning Commission (WAPC) has approved application WAPC Ref: 200820 and, once the attached conditions of approval are fulfilled, is prepared to endorse a Deposited plan in accordance with the plan date-stamped 24 September 2024.

This decision is valid for four (4) years from the date of this letter. In order to implement this letter and have the new titles created, a request for the endorsement of a Deposited plan (Form 1C) must be submitted to the WAPC within the term of the approval, that is by the close of business on 19 December 2028 or this approval will no longer be valid.

The Form 1C and a schedule of fees can be found on Planning Online:
<https://planningonline.dplh.wa.gov.au>.

CONDITION(S):

1.	<p>Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:</p> <p>a) lots can accommodate their intended use; and b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.</p> <p>(City of Wanneroo)</p>
2.	<p>Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and Environmental Regulation, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan/overarching drainage documentation.</p> <p>(City of Wanneroo)</p>
3.	<p>Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications</p>

	<p>and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.</p> <p>(City of Wanneroo)</p>
4.	<p>Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.</p> <p>(City of Wanneroo)</p>
5.	<p>Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005.</p> <p>(City of Wanneroo)</p>
6.	<p>The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for public open space/drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.</p> <p>(City of Wanneroo)</p>
7.	<p>Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space to the specifications of the local government.</p> <p>(City of Wanneroo)</p>
8.	<p>Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.</p> <p>As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant</p>

	<p>paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.</p> <p>(City of Wanneroo)</p>
9.	<p>Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken for construction of roads in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:</p> <p>(a) street lighting in accordance with dark sky principles is installed on all new subdivisional roads to the standards of the relevant licensed service provider;</p> <p>(b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;</p> <p>(c) temporary turning areas are provided to those subdivisional roads that are subject to future extension; and</p> <p>(d) embayment parking is provided within road reserves in accordance with Agreed Structure Plan No.17.</p> <p>(City of Wanneroo)</p>
10.	<p>Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be constructed by the landowner/applicant.</p> <p>(City of Wanneroo)</p>
11.	<p>The north side of Pederick Road being widened by 3.5m and the south side of Pederick Road being widened by 1m in accordance with the plan of subdivision dated 24 September 2024 (attached) by the landowner transferring the land required to the Crown free of cost for the purpose of widening Pederick Road.</p> <p>(Western Australian Planning Commission)</p>
12.	<p>The east side of Mather Drive being widened by 6.75m in accordance with the plan of subdivision dated 24 September 2024 (attached) by the landowner transferring the land required to the Crown free of cost for the purpose of widening Mather Drive.</p> <p>(Western Australian Planning Commission)</p>
13.	<p>The sections of Pederick Road and Mather Drive to be widened in accordance with this approval are to be constructed and drained at the full cost of the landowner/applicant.</p> <p>(City of Wanneroo)</p>
14.	<p>All local streets within the subdivision being truncated in accordance with the Western</p>

	Australian Planning Commission's DC 4.1 Industrial Subdivision. (City of Wanneroo)
15.	<p>Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Pederick Road and Mather Drive being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the City of Wanneroo, in accordance with the plan dated 24 September 2024 (attached) and the covenant is to specify:</p> <p><i>"No vehicular access is permitted to and from (as applicable) Pederick Road and Mather Drive."</i></p> <p>(City of Wanneroo)</p>
16.	<p>Information is to be provided to demonstrate that the measures contained in Section 6; Table 5 of the bushfire management plan dated 5 September 2024 and/or as amended have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan.</p> <p>(City of Wanneroo)</p>
17.	<p>A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:</p> <p><i>"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"</i></p> <p>(Western Australian Planning Commission)</p>
18.	<p>A plan is to be provided to identify areas of the proposed lot(s) that have been assessed as BAL-40 or BAL-Flame Zone. A restrictive covenant to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893, is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land within areas that have been assessed as BAL-40 or BAL-Flame Zone. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:</p> <p><i>"No habitable buildings are to be built within areas identified as BAL-40 or BAL-Flame Zone"</i></p> <p>(City of Wanneroo)</p>
19.	The landowner/applicant contributing towards development infrastructure provisions pursuant to the Neerabup Industrial Area Agreed Structure Plan No. 17.

	(City of Wanneroo)
20.	<p>Prior to the commencement of subdivisional works, a Dieback Hygiene Plan for the application area is to be prepared, approved and implemented, in accordance with the Neerabup Industrial Area Agreed Local Structure Plan No. 17 and in consultation with the local government, to the satisfaction of the Western Australian Planning Commission.</p> <p>(City of Wanneroo)</p>
21.	<p>Arrangements being made with a licensed electricity network operator for the provision of an underground electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision.</p> <p>(Western Power)</p>
22.	<p>The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure.</p> <p>(Western Power)</p>
23.	<p>Arrangements being made to the specifications of Western Power for the provision of necessary electricity easement(s) to the lot(s) shown on the approved plan of subdivision dated 24 September 2024 (attached).</p> <p>(Western Power)</p>
24.	<p>Arrangements being made with a licensed water provider for the provision of a suitable water supply service to the lots(s) shown on the approved plan of subdivision.</p> <p>(Water Corporation)</p>
25.	<p>Arrangements being made with the Water Corporation so that provision of a sewerage service to the lot(s) shown on the approved plan of subdivision.</p> <p>(Water Corporation)</p>
26.	<p>The landowner/applicant is to enter into an agreement with the City of Wanneroo for arrangements to be made to facilitate the compliance requirements of the Bushfire Management Plan.</p> <p>(City of Wanneroo)</p>
27.	<p>Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works</p> <p>(City of Wanneroo)</p>

ADVICE:

1.	The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australasia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.
2.	Conditions 2 and 3 have been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).
3.	With regard to Condition 6, provisions of section 153 of the Planning and Development Act 2005 provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government.
4.	With regard to Condition 7, the development is to include full earthworks, reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network. Any lighting within the public open space shall comply with the dark sky principles and AS/NZS 4282:2019 - Control of the obtrusive effects of outdoor lighting. Smart lighting should also be installed to ensure that lighting infrastructure is capable of remote operation and/or timing.
5.	In regard to Conditions 8-10, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
6.	In regard to Condition 9, the landowner/applicant is advised that to achieve the dark sky principles, new street lighting is to comply with a correlated colour temperature of 3,000 kelvins or less, shielded luminaires and in accordance with AS/NZS 4282:2019 - Control of the obtrusive effects of outdoor lighting.
7.	In regard to Condition 9, the applicant is to enter into an agreement with the local government for the location of the temporary turning area on the City's land. The temporary turning areas are to comply with Condition 16 in a manner agreed to by the local government.
8.	In regard to Condition 13, the landowner/applicant is to liaise with the City of Wanneroo for the level of upgrades required for the intersections and associated roads. Works are anticipated to include the interim upgrade of the existing T-intersection at Mather Drive-Pederick Road, new T-intersections (Mather Drive and Road 1, and Pederick Road and Road 2) and associated works as generally shown on the plan of subdivision.
9.	In regard to Condition 16 and 26, the landowner/applicant shall enter into an agreement with the City of Wanneroo for the clearing of a 21-metre strip of vegetation for the

	<p>purpose of a firebreak, and the management of a fire emergency access way, within land owned by the City of Wanneroo. As part of this agreement, the following considerations must be addressed:</p> <ul style="list-style-type: none"> • The landowner/applicant is to liaise with the City of Wanneroo's contractor of Urban Resources of the intention of clearing vegetation of Lot 9003. • The City of Wanneroo is responsible for providing an Access and Indemnity form (A and I) specifying the following: The cost associated with clearing and maintaining the firebreak area, which will be borne by the landowner/applicant. • The clearing of native vegetation within Lot 9003, including Carnaby's foraging and nesting habitats, must strictly adhere to the vegetation clearing sub-plan outlined in Table 7 of the Comprehensive Environmental Management Plan prepared by AECOM in 2016. • To prevent excessive clearing of vegetation, precise site boundaries and retained vegetation areas will be surveyed and clearly demarcated before the commencement of any clearing activities. This practice aligns with the phased development approach at the site, where each stage of clearing will be individually surveyed and marked to define clearing boundaries. An induction session will be provided to all on-site personnel, emphasizing the site's environmental values and the imperative of adhering to defined clearing zones. • Clearing a 21-meter buffer may potentially lead to over-clearing. The existing vegetation has not been cleared to mitigate the effects of dust emanating from the sand quarry sand to minimize soil erosion. The 21-meter buffer may counteract efforts to mitigate these factors. Therefore, if clearing becomes necessary, the landowner/applicant must take measures to address potential erosion and dust issues in accordance with the Dust Management Plan, specifically within the areas they have cleared. • The landowner/applicant will need to work with the City of Wanneroo to ensure that all clearing activities are conducted in strict accordance with the conditions stipulated in the clearing permits and all other relevant documents. • The emergency access way is to provide for emergency access in the event of a bushfire emergency and should be constructed to the standards as outlined in the Guidelines for Planning in Bushfire Prone Areas.
10.	In regard to Condition 21, Western Power provides only one underground point of electricity supply per freehold lot.
11.	In regard to Conditions 24 and 25 (above), the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/ applicant, a Land Development Agreement under Section 83 of the Water Services Act 2012 will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
12.	The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government website at Department of Infrastructure, Transport, Regional Development, Communications and the Arts www.infrastructure.gov.au
13.	The City of Wanneroo advises that any burden to public open space or other City

	assets resulting from the installation of public utility infrastructure including but not limited to transformers, switchboards and waste water pump stations will generally not be supported without prior agreement from the City at the subdivision design stage that specifically addresses the location and impacts of the proposed infrastructure.
14.	ATCO Gas Australia advises that the proposal is in the vicinity of a high pressure gas pipeline and the landowner/applicant is to contact ATCO and 'Before You Dig Australia' before commencing works. For additional information, refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure: https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html

If further clarification is required, please review the attached information about your approval, or contact the planning officer listed at the top of this letter

Sam Boucher

Ms Sam Boucher
WAPC Secretary
19 December 2024

What are conditions and how are they fulfilled?

Conditions and associated advice notes are an essential tool used by the WAPC to ensure compliance with its statutory responsibilities.

Condition(s) must be fulfilled before a request for endorsement of a deposited plan (Form 1C) can be lodged. This provides the basis to create the new land titles.

Each condition has a nominated clearing authority, noted at the end of each condition, and the landowner/applicant needs to liaise with that authority in order to fulfil the condition. Typically, conditions need to be addressed before any site works are commenced.

When the written advice of each clearing authority has been obtained, this advice is to be submitted to the WAPC with a Form 1C and a copy of the deposited plan (that has been lodged with Landgate). The Form 1C and schedule of fees are available on the WAPC website: <https://planningonline.dph.wa.gov.au>

Can I request reconsideration/review of a condition or a decision?

There are two ways in which an applicant/owner may request reconsideration or review of a condition or a decision:

1. Seeking WAPC reconsideration - Sections 144 and 151(1) of the *Planning and Development Act 2005* provide for the landowner/applicant, within 28 days from the date of the decision, to make a written request to the WAPC to reconsider the decision, or conditions imposed. Such an application can be made via the Form 3A, which can be found, together with a schedule of fees, online from: <https://planningonline.dph.wa.gov.au>

In seeking a reconsideration the applicant/landowner needs to provide new information or evidence that would warrant the WAPC making a different decision.

An application for reconsideration may be submitted to the WAPC prior to submission of an application for review of a decision through the State Administrative Tribunal.

2. Seeking a review by the State Administrative Tribunal – An applicant/landowner may also apply to the State Administrative Tribunal for review of a decision under Section 251 of the *Planning and Development Act 2005*.

An application should be lodged within 28 days of the date of the decision. Further details can be obtained at www.sat.justice.wa.gov.au

What if the clearing authority does not provide written confirmation?

The applicant/owner should make reasonable endeavour with the clearing authority to fulfil conditions. This may include the provision of supplementary information. If the clearing authority will not provide its written confirmation following reasonable endeavour, the applicant/owner should seek advice from the WAPC.

There is scope for the WAPC to clear conditions of subdivision through the Form 1C process; however, it is best to seek pre-lodgement advice so that the WAPC can advise if the clearing of

conditions would be a minor administrative matter, or whether it will require the WAPC to seek further advice or investigate the matter with the clearing authority.

Lodgement of deposited plans with the Western Australian Land Information Authority

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. A copy of the Deposited Plan should also be provided to the WAPC when the Form 1C is lodged.

Applying for new certificates of title

Once the WAPC has endorsed the Deposited Plan, then, under Section 146 the *Planning and Development Act 2005*, the landowner/applicant has two years to apply to Landgate for new certificates of title to be issued.

DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE
24-Sep-2024

FILE
200820

LEGEND

- APPLICATION AREA (27.2439ha)
- EXISTING CONTOURS
- RESTRICTED ACCESS
- TEMPORARY LIMESTONE ROAD BASE
- 21m WIDE - LOW-THREAT BUFFER 4551m²
- ROAD WIDENING 4007m²
- ROAD WIDENING (FUTURE)
- DRAINAGE SWALE (INDICATIVE SHAPE)

SERVICES

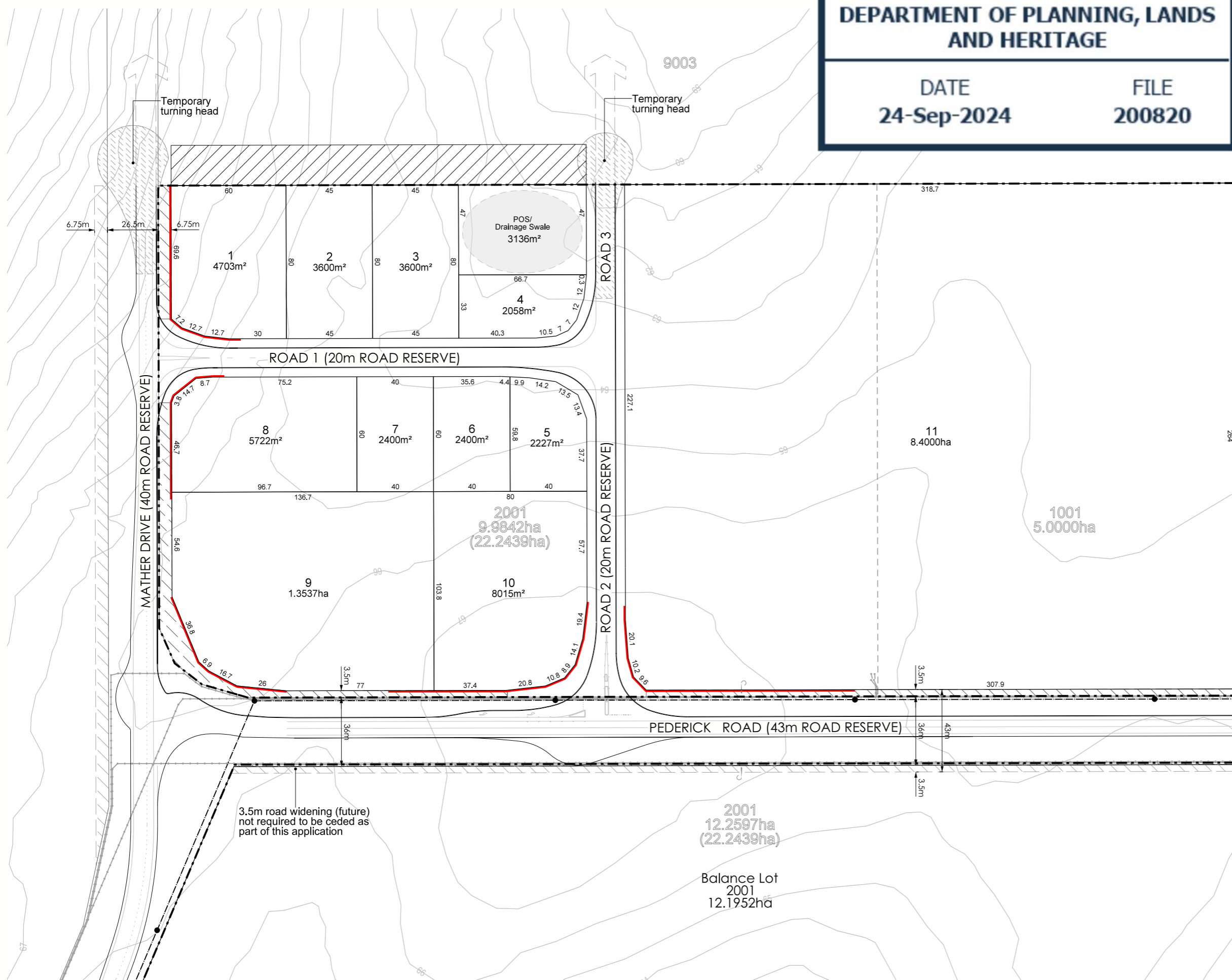
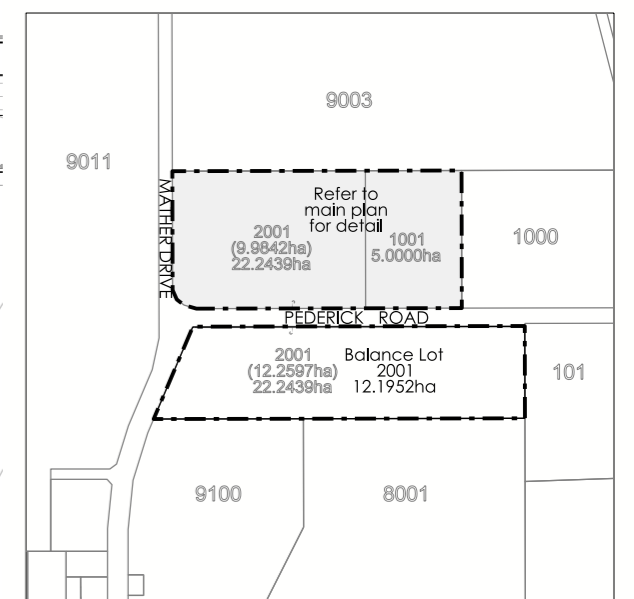
ELECTRICAL

- OVERHEAD TRANSMISSION LINE
- OVERHEAD TRANSMISSION POLE
- UNDERGROUND DISTRIBUTION LINE

LOT SUMMARY

LOT YIELD			LOT AREA	
Size	No. Lots	% Total Lots	Average Size	% of Total Area
2000m ² - 2999m ²	4	36.36%	2271m ²	6.87%
3000m ² - 3999m ²	2	18.18%	3600m ²	5.44%
4000m ² - 4999m ²	1	9.09%	4703m ²	3.56%
5000m ² - 9999m ²	2	18.18%	6868m ²	10.39%
1ha - 2ha	1	9.09%	13536m ²	10.23%
5ha - 10ha	1	9.09%	84000m ²	63.51%
Number of Lots	11			
Minimum Lot Size 2058m ²			Average Lot Size 12023m ²	
Maximum Lot Size 84000m ²			Total Lot Area 132262m ²	
Balance Lot	1			
Total Number of Lots	12			
POS/Drainage	1			
Road Reserves	3			

OVERALL SUBDIVISION



Plan of Subdivision - Freehold
LOTS 1001 & 2001 PEDERICK ROAD, NEERABUP

A DevelopmentWA Project

plan: 21/013/036C
scale: 1:2000@A3 | 1:1000@A1
date: 01/08/2024
grid: PCG 94
aerial: -

designed: MW
checked: MW
drawn: JB

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